

Remarks

Applicants request a reconsideration of the present patent application in view of the following remarks. Claims 20-22 have been withdrawn. No claims have been amended, added or cancelled. Therefore, claims 1-19 are pending in the application.

Claims 1-19 have been rejected under 35 U.S.C. § 103(a) as being obvious over admitted prior art in view of U.S. Patent No. 5,855,229 to Gluf, Jr. ("the Gluf reference"). Applicants respectfully traverse this rejection.

Claim 1 is directed to a hydraulic manifold assembly for activation and deactivation of valves in a multiple-cylinder internal combustion engine having a pressurized oil source and hydraulically-operable deactivation valve lifters. The hydraulic manifold assembly includes a first plate, a second plate and a bonding zone. The first plate has on one side thereof a first mating surface formed in a first pattern delineating first portions of various oil flow galleries in the assembly. The second plate has on one side thereof a second mating surface formed in a second pattern delineating second portions of the various oil flow galleries and matable with the first surface. The bonding zone includes the first and second mating surfaces wherein the first and second plates are attached to each other, and wherein at least one of the first and second plates is formed of a polymer.

None of the references of record teach or suggest a hydraulic manifold assembly including a bonding zone, as recited in claim 1, wherein the first and second plates are "joined together as by cementing or preferably by fusion weld (vibration welding) along mating surfaces." See *Specification*, pg. 3, lines 7-9. In

rejecting claim 1 of the present invention, the Examiner used the Applicants' prior art to teach the bonding zone by generally making reference to the top plate (40) and the gasket plate (44). See *Office Action*, pgs. 2-3. However, the specification of the present patent application clearly states that the top plate (40), the bottom plate (42) and the gasket plate (44) are held together by a plurality of bolts (46)," not by a bonding zone. See *Specification*, pg. 6; FIG. 2. The Examiner has failed to provide the required showing that the top plate (40) and gasket plate (44) are bonded together as required by claim 1. See *Ex parte Humphreys*, 24 USPQ.2d 1255 (B.P.A.I. 1992) (stating that a prima facie case of obviousness is not established when an Examiner fails to provide specific reasons for the rejection).

By providing a hydraulic manifold assembly with first and second plates that are attached to one another at a bonding zone, numerous advantages are realized. For instance, bonding the top and bottom plates eliminates the need for a separate gasket plate and separate patterns of internal gaskets on both sides of the gasket plate as used in the manifold shown in FIG. 2 of the Specification. See *Specification*, pgs. 3, 10.

For at least the forgoing reason, Applicants submit that a prima facie case of obviousness has not been established, and respectfully request that the rejection of claim 1 be withdrawn. As claims 2-19 depend from claim 1, Applicants request that the rejection of claims 2-19 also be withdrawn for at least the same reason set forth with respect to claim 1.

Furthermore, defendant claims 2-19 include additional features that further distinguish the present invention over the references of record. For example, claim 2 states that the bonding zone is a fusion zone where the first and second surfaces are fused together. In rejecting claim 2, the Examiner indicated that the plastic manifold (20) and the steel plate (70) in the Gluf reference are fused together with an elastomer seal (80). See *Office Action*, pg. 3. However, the elastomer seal (80) is used to form a seal around each of the worm-type fluid passages (26) to prevent fluid from passing between the passages (See Col. 5, lines 16-24) much as the gasket plate (44) of Applicants' prior art (FIG. 2) is used to provide a gasket seal between the top plate (40) and the bottom plate (42). The Gluf reference does not indicate that the elastomer seal (80) is used to fuse the plastic manifold (20) and the steel plate (70) together in a fusion zone as recited in claim 2.

In addition, claim 6 indicates that the plurality of solenoid valves are fusibly mounted to the second plate. In contrast, as best seen in FIG. 3 of the Gluf reference, the solenoid valves (30) are received within upward extending portions (24), and they are not fusibly mounted to the plastic manifold assembly. See Col. 3, lines 63-67; Col. 5, lines 63-65.

Claim 11 is directed to a retainer including a hollow member for use as a hollow crankcase ventilation baffle, the hollow member having an entry port and an exit port and is connectable to an intake manifold of the internal combustion engine. In rejecting claim 11, the Examiner indicated that the plurality of upper steel inserts (50) in the Gluf reference may be used as a positive crankcase

ventilation baffle. See *Office Action*, pg. 4. However, the entry and exit ports referred to by the Examiner are actually the bore and flange (50b) of the insert (50), which are adapted to receive a fastener for fastening the manifold assembly (10) to a transmission (12). See Col. 5, lines 10-14. Thus, the insert (50) is not used as a ventilation baffle because its bore will be occupied by a fastener. Further, the electrical connectors (32) and the steel inserts (40) in the Gluf reference do not form a labyrinthine pathway for engine vapors as recited in claim 12. See *Office Action*, pg. 4. In fact, the electrical connectors have nothing to do with forming a labyrinthine pathway for engine vapors.

Further, none of the references or record teach or suggest a bleed passage including an oil restriction orifice having a diameter of about 0.4 to about 0.6 mm as recited in claims 14 and 15. In rejecting claims 14 and 15, the Examiner used an insert receiving hole (22) having an upper rim portion (22a) in the Gluf reference. However, the Gluf reference provides no specific dimensions for the upper rim portion (22a), or indicate that the upper rim portion (22a) is used as a oil restriction orifice.

For these additional reasons, Applicants submit that a *prima facie* case of obviousness has not been established and request that the rejection of claims 2-19 be withdrawn.

Conclusion

In light of the foregoing, Applicants submit that claims 1-19 are in condition for allowance and such allowance is respectfully requested. Should the Examiner feel that any unresolved issues remain in this case, the undersigned

may be contacted at the telephone number listed below to arrange for an issue resolving conference.

Applicants do not believe that any fee is due at this time. However, the Commissioner is hereby authorized to charge any fee that may have been overlooked to Deposit Account No. 10-0223.

Respectfully submitted,

Dated: 4/6/04


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